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☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV.

Official Papers.

The following Drafts are published for general information :—

DRAFT

OF

A Regulation introducing into the Territories of Mysore the Code of Criminal Procedure, Act X of 1882, in supersession of Act X of 1872, as amended by Act XI of 1874.

WHEREAS it is expedient to apply to the Territories of Mysore Act X of 1882 of the Governor General of India in Council, His Highness the Maharaja is pleased to enact that the aforementioned Act shall have the force of law in the Territories of Mysore subject to the omissions, alterations and additions hereunder specified, namely :—

1. All provisions relating to Presidency Towns, to the Courts of Presidency Magistrates, to the High Courts of Judicature established by Royal Charter, to the Chief Court of the Punjab, to the Courts of the Recorder of Rangoon and the Judicial Commissioner of British Burmah, and to the appointment, suspension, removal and the powers of the Justices of the Peace, and all provisions expressly relating to specified particular places, Courts, Offices or Local Governments outside the Territories of Mysore, shall be omitted.

2. All provisions requiring the sanction of the Governor General in Council to an act of the Local Government, or attaching any function to the Governor General in Council, shall be omitted.

3. In Sections 28, 29, 106, 206, 207, 213, 216, 217, 218, 226, 227, 337, 347, 348, 424, 463, 465, 469, 478, 479, 487, 499, 516, 517, and 532, all provisions relating to the High Court shall be omitted as if no reference had been made in such Sections to such High Court.

4. For the words " British India," read "The Territories of Mysore."

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5. For the words "Any Local Government" or "The Local Government" or "Every Local Government" or "The same Local Government," read "The Government of Mysore."

6. For "District Superintendent" and "Assistant District Superintendent," read "Deputy or Assistant Commissioner."

7. For "Collector" read "Deputy Commissioner."

8. For the words "Her Majesty" read "His Highness the Maharaja of Mysore."

9. For the words "Her Majesty's Army" read His Highness the Maharaja's Military Forces."

10. In Sections 1 and 2 for "January 1882 read " 1884."

11. In Section 1, Paragraph 2, for the Clauses (*a*), (*b*), (*c*), (*d*) and (*e*), substitute "Village Police Officers in the Territories of Mysore."

12. In Section 3, omit the words "and the expression 'Magistrate of Police' "shall be deemed to mean Presidency Magistrate."

13. For the words "The High Court" or "Any High Court" or "A High Court" "or "High Court," read "The Chief Court;" and for Clause (*i*) of Section 4, substitute the following—"The Chief Court shall mean the Highest Court of criminal appeal or revision within the Territories of Mysore."

14. In Clause (*n*) of Section 4, omit the words "A Vakil and an Attorney."

15. In Section 6, Paragraph 1, for "five" read "four."

16. In Section 7, for "Every Province" read "The Province."

17. For Section 30, the following shall be substituted :—

"The Government of Mysore may, notwithstanding anything contained in Section 29, invest the District Magistrate with power to try as a Magistrate all offences not punishable with death."

18. In Section 31, omit Paragraph 1.

19. In Section 45, for the words "Court of Wards" read "District Court."

20. In Section 54, omit the sixth Clause.

21. In Section 132, for the words "Governor General in Council," substitute "Government of Mysore."

22. In Section 174, for Para 4, substitute the following :—

"Investigations under this Section may be made by the Village Patel, who shall then report the result to the nearest Magistrate authorized to hold inquests."

23. In Section 186, omit the words "Whether within or without British India."

24. For Section 188, substitute the following Section :—

"188. When any subject of His Highness the Maharaja of Mysore commits an offence at any place beyond the Territories of Mysore, he may be dealt with in respect of such offence as if it had been committed at any place within the Territories of Mysore at which he may be found.

Provided that he has not been already tried for the same offence at the place where it was committed."

25. In Section 190, omit the figures and word " 188 and."

26. Omit Section 194.

27 In Section 197, omit the words " The Government of India or," and for the words " The Government having power to order his removal " read " such Government."

28. In Section 211, Paragraph 2, omit the words commencing with " and where the accused " up to the end of the Section.

29. Omit Section 214.

30. In Section 215 omit the words and figures " or Section 214."

31. In Section 216, omit the 2nd Paragraph.

32. In Section 320, for Clause (*c*) substitute " Deputy Commissioners."

33. In Section 341, omit the words " in the case of a Court other than a High Court."

34. Omit Section 266, Section 267, Section 273, the first Paragraph of Section 274, the third proviso to Section 276, Paragraph 3 of Section 277, Section 296, Section 305, Section 308, Section 311, Section 312, Section 313, Section 314, Section 315, Section 316, Section 317, Section 318, Section 333, Section 334, Section 335, Section 336, Section 362, Section 365, and Section 539.

35. In Section 344, Paragraph 3, omit " other than a High Court."

36. In Section 408, omit proviso (*b*).

37. Omit Section 434.

38. In Section 439, omit the words " applies to an entry made under Section 273 or."

39. Omit Sections 443, 444, 446, 447, 448, 449, 450, 451, 452, 456, 457 458, and 459.

40. In Section 445, omit the words and figures " nothing in Section 443 or Section 444 shall prevent," and for the words " from taking cognizance " substitute " may take cognizance."

41. In Section 462, omit the words and figures " Section 451 or".

42. In Section 463, omit the words " European British subjects " after the word " against."

43. In Section 477, omit the words " subject to the provisions of Section 444."

44. In Section 480, omit Paragraph 2.

45. Omit Section 491.

46. In Section 503, for Paragraph 2 substitute the following :—

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"When the witness resides outside the Territories of Mysore, the Commission may issue to a District Magistrate or other officer exercising functions corresponding to those of a District Magistrate or to such other as the British Government may appoint in this behalf."

47. After Section 503 add the following Section.—

"503 *A*. A District Magistrate in Mysore shall execute or cause to be executed every Commission for the examination of a witness residing within the local limits of his jurisdiction which may be issued by a Court or Magistrate in British India under the Code of Criminal Procedure for the time being in force in British India."

48. Omit Section 504.

49. In Section 526, omit the words and figures "except as provided in Section 267."

50. Omit Section 527.

51. For Section 553, substitute the following :—

"With the previous sanction of the Government of Mysore, the Chief Court may, from time to time, make Rules for the inspection of the records of Subordinate Courts, and it may, with like sanction from time to time—

(*a*) make Rules for keeping all books, entries and accounts to be kept in all Criminal Courts subordinate to it and for the preparation and transmission of any returns or statements to be prepared and submitted by such Courts ;

(*b*) frame forms for every proceedings in the said Courts for which it thinks that form should be provided ;

(*c*) make Rules for regulating its own practice and proceedings, and the practice and proceedings of all Criminal Courts subordinate to it ; and—

(*d*) make Rules for regulating the execution of warrants issued under this Code for the levy of fines.

Provided that the Rules and Forms made and framed under this Section shall not be inconsistent with this Code or any other law in force for the time being.

All Rules made under this Section shall be published in the Official Gazette.

52. In Section 554, omit the words and figures from the commencement to "Section 5."

53. The Notifications of the Government of India, Foreign Department, No. 143 J., dated 18th July 1872, in so far as it relates to the Code of Criminal Procedure, Act X of 1872, No. 139 J., dated 24th July 1874, and para 1 of No. 27 I J., dated 23rd January 1880, are hereby repealed from the day of 1884.

K. SHESHADRI IYER,
Dewan of Mysore.

DRAFT

OF

A Regulation introducing into the Territories of Mysore the Code of Civil Procedure, Act XIV of 1882, *in supersession of Act X of* 1877 *as amended by Act XII of* 1879.

WHEREAS it is expedient to apply to the Territories of Mysore Act XIV of 1882 of the Governor General of India in Council, His Highness the Maharaja is pleased to enact that the aforementioned Act XIV of 1882 shall have the force of law in the Territories of Mysore, with the modifications and omissions hereunder mentioned, namely—

1. For "British India" read "The Territories of Mysore" except in Section 229.

2. For "Local Government" read "Government of Mysore."

3. For "a High Court," "The High Court," "the same High Court," "High Courts," or "such High Court," read "the Chief Court."

4. For "Collector" read "Deputy Commissioner."

5. In Sections 1, 3 and 99 *A*, for "June 1882" read " 1884."

6. For Paragraph 2 of Section 1, substitute the following :—

"It extends to the whole of the Territories of Mysore."

7. In Section 2, for the words "and includes an Advocate, a Vakil, and an "Attorney of a High Court," substitute "enrolled under the law for the time being in "force in the Territories of Mysore relatng to Legal Practitioners;" and in the same Section omit,

"and includes the local limits of the ordinary original civil jurisdiction of a "High Court;"

"and not having authority in British India nor established by the Governor "General in Council;"

"every covenanted servant of Her Majesty;"

"every commissioned officer in the Military or Naval forces of Her Majesty "while serving under Government;"

and "And in any part of British India in which this Code operates; 'Govern-"ment' includes the Government of India as well as the Local Government."

8. In Section 3 for "the twenty-ninth day of July 1879," read "the nineteenth of November 1879."

9. Omit Section 4.

10. In Section 5, omit "(other than the Courts of Small Causes in the Towns of Calcutta, Madras and Bombay.)"

11. In Section 6, omit " affects the jurisdiction or procedure"

" (*a*). of Military Courts of Request;

" (*b*). of a single officer duly appointed in the Presidency of Bombay to try " small suits in Military Bazaars at Cantonments and Stations occupied by " the Troops of that Presidency; or

" (*c*). of Village Munsiffs or Village Panchayats under the provisions of the " Madras Code;

" (*d*). of the Recorder of Rangoon sitting as an Insolvent Court in Rangoon, " Moulmain Akyab or Bassein, or—".

12. Omit Sections 7 and 8.

13. In Section 9 omit " The ninth part: Special Rules relating to the Chartered High Courts".

14. In Section 12, omit " or in any Court beyond the limits of British India " established by the Governor General in Council and having like jurisdiction, or be- " fore Her Majesty in Council."

15. Omit Section 24.

16. Omit the second Paragraph in Section 25.

17. Omit the last Paragraph of Section 37.

18. Omit the last Paragraph of Section 39.

19. Omit Section 86.

20. Omit Section 90.

21. In Section 95, omit " with the previous sanction of the Governor General in Council."

22. In Section 223, omit Paragraph 5.

23. For Section 229, substitute the following:—

" A decree of any Court in British India which cannot be executed within the " jurisdiction of the Court by which it was made, may be executed in manner herein " provided within the jurisdiction of any Court in the Territories of Mysore."

24. To the first Paragraph of Section 273, the following shall be added. "The " Court may for that purpose direct the execution of the decree so attached."

25. In Section 287, omit " as regards his own Ccourt and the Court of Small " Causes at Rangoon, the Recorder of Rangoon shall be deemed to be 'a High Court' " within the meaning of this Paragraph".

26. In Section 320, omit " with the sanction of the Governor General in Council".

27. In Section 327, omit " with the sanction of the Governor General in Council."

28. In Section 339, for the words "proper officer of the Court" substitute "officer in charge of the Civil Jail".

29. In the proviso to Section 341, omit the word "Third".

30. Omit the last Paragraph of Section 360.

31. In Section 386, omit "or the Court of the Recorder of Rangoon."

32. In Section 391, omit "and established by the authority of Her Majesty "or of the Governor General in Council, or

"(*b*) Courts situate in any part of the British Empire other than British India or

"(*c*) Courts of any foreign country for the time being in alliance with Her "Majesty."

33. For Section 416, substitute the following Section :—

"Suits by the Government shall be instituted by the Government of Mysore."

34. For Section 418, substitute the following Section :—"In suits by the Government of Mysore, instead of inserting in the plaint the name and description and place of abode of the plaintiff, it shall be sufficient to insert the words 'The Government of Mysore'."

35. Omit Sections 419, 420 and 421.

36. In Section 424, omit "against the said Secretary of State in Council or," and "in the case of the Secretary of State in Council delivered to or left at the Office of a Secretary to the Local Government or the Collector of the District, and in the case of a public officer."

37. In Section 429, omit "against the said Secretary of State in Council or"

38. Omit Chapter XXVIII.

39. In Section 443, for the words "Indian Majority Act 1875, Section 3," substitute the following —

"Rules for the care of the person and property of minors, published with the Government of India Notification No. 75 J, dated 25th April 1872."

40. In Section 463, for the words and figures "Act No. XXXV of 1858," substitute "the rules relating to persons of unsound mind, published with the late Chief Commissioner's Notification No. 141, dated 31st July 1874."

41. In Section 464, omit "by the Court of Wards or" and "local."

42. In Section 538, omit the following :—

"(*a*) The High Courts of Judicature at Fort William, Madras and Bombay.

"(*b*) The Court of the Recorder of Rangoon.

"(*c*) The Courts of Small Causes in Calcutta, Madras and Bombay.

"(*d*) The Court of the Judge of Karachi, and—

In the same Section for "(*e*) any other Court," substitute "any Court."

43. In Section 539, paragraph 1, for " Advocate General acting Ex-Officio " substitute " the Deputy Commissioner or such other officer as the Government of Mysore may appoint in this behalf, " and for " Advocate General " substitute " Deputy Commissioner or other officer appointed as last aforesaid, " and omit the words " The High Court or. " Omit also paragraphs 2 and 3.

44. In Section 547, for the words " The Secretary of State for India in Council " substitute " The Government of Mysore. "

*45. To Section 584 add the following :—

(*d*) An erroneous finding upon a material question of fact, producing an error in the decision on the merits, in those cases in which, upon any such question of fact, the finding of the appellate court differs from that of the court of the first instance.

*46. In Section 586 for "five hundred rupees" substitute " fifty rupees."

47. Omit Chapter XLV.

48. Omit Chapter XLVIII.

49. In Section 644, omit the words and figures " subject to the power con- " ferred on the High Court by Section 639 and by the twenty-fourth and twenty- " fifth of Victoria Chapter 104, Section 15."

50. Omit Sections 645 *A* and 646.

51. In Section 650 *A*, omit " Provided that the Courts issuing such sum- " monses have been established by the authority of the Governor General in Council or " that the Governor General in Council has by Notification in the *Gazette of India* " declared the provisions of this Section to apply to such Courts, " and also omit paragraph 2.

52. The Notifications of the Government of India, Foreign Department, No. 47 J., dated 27th May 1878, in so far as it extends to the Territories of Mysore Act X of 1877, (The Code of Civil Procedure,) and No. 320 I. J., dated 19th November 1879, in so far as it extends to the Territories of Mysore Sections 1 to 103, Act XII of 1879 (An Act to amend the Code of Civil Procedure) are hereby cancelled from the day of 1884.

K. SHESHADRI IYER,
Dewan of Mysore.

* For Section 45 of the original draft published in the last Gazette, these two sections are substituted.